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C O N F I D E N T I A L SECTION 01 OF 02 BOGOTA 009896

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SOUTHCOM FOR POLAD

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TAGS: [PGOV](#) [KJUS](#) [PTER](#) [ECON](#) [CO](#)

SUBJECT: COURT SAYS CONSTITUTION HAS BEEN REFORMED TO ALLOW REELECTION

REF: A. BOGOTA 9321

[B.](#) BOGOTA 8695

[C.](#) BOGOTA 8241

Classified By: Ambassador William B. Wood, Reasons: 1.4 B & D.

[¶1.](#) (C) Summary: On October 19, the Constitutional Court ratified legislation reforming the Constitution to allow presidential reelection, including for incumbent President Uribe. A final legal hurdle for Uribe is the Court's approval of reelection implementing legislation, a decision that is due by November 11. Legal observers think reelection cannot be blocked now, although some dust could still be kicked up over "fair treatment" for all Presidential candidates. In terms of the Presidential race, Uribe will be the overwhelming favorite. The Democratic Pole and Liberals will run candidates, but the field of Liberal aspirants might change. A victorious Uribe could secure majorities in both houses in the March elections. End Summary.

[¶2.](#) (SBU) The Court's October 19 decision in favor of reelection, in a 7 to 2 vote, was the penultimate step in allowing President Uribe to run for reelection in May 2006. (Note: Additional sub-decisions were made, with slightly different vote outcomes. End Note.) Court approval of implementing legislation (known here as the "guarantees" law, or ley de garantias), due by November 11, is the sole remaining legal hurdle. While a negative Court ruling on implementing legislation would be a setback (and might provoke heated legal debate here), the majority of our legal contacts concur that Uribe would still be able to run in 2006, as the Constitution has formally been reformed to permit reelection. Uribe allies in Congress, we are told, are preparing additions to pending electoral code legislation in a parallel effort to stave off legal challenges.

[¶3.](#) (U) President Uribe reacted positively but quietly to the Court's decision, and noted that he desired that Congress approve a reform (defeated in a previous session) to allow for reelection of governors and mayors as well. All major opposition leaders announced their parties would respect the Court's decision. However, former President Cesar Gaviria, head of the Liberal Party (PLC), Senator Antonio Navarro, Democratic Pole (PDI) Presidential nominee, and Senator Carlos Gaviria, head of Democratic Alternative (AD), all publicly disagreed with the merits of the decision. Cesar Gaviria was strongly critical of alleged pressure tactics used against the Court by the GOC and Uribe loyalists.

[¶4.](#) (C) Uribe goes into the May 2006 election as the overwhelming favorite, with a consistent approval rating of over 70 percent and support for his reelection at a similar level. The Democratic Pole will run Navarro. The party is interested in increasing its Congressional numbers, and views running a Presidential candidate as crucial in the vote-gathering effort nationwide. The Liberal Party, one of Colombia's two traditional parties, will also run a candidate and work hard to expand its numbers in Congress as a counterweight to Uribe's coalition. The party will choose its candidate in March, as part of the Congressional voting. Two-time Presidential nominee (1998 and 2002) Horacio Serpa, the current front-runner for the nomination, has said that he will continue in the race, but party insiders have suggested that Serpa may drop out, to avoid a second electoral confrontation with Uribe. Two-time former Bogota mayor and independent Antanas Mockus is a wild card who is rumored to be considering a run.

[¶5.](#) (C) The leading pro-Uribe parties (Ref B) will be well-positioned to be majorities in both houses of Congress beginning in July. But cohesion of those majorities might still be an issue. Uribe's break with the traditional pork/patronage Executive-Legislative relationship has strained his dealings with Congress on numerous occasions over the last three years, and many members will be reelected in 2006.

[¶6.](#) (C) Comment: This is an historic change based on support for Uribe and consequent confidence in Colombia's government and governability. But Uribe is not yet on the ballot and has not formally confirmed he is a candidate. When he does so, we will treat this as any other election, in which we support institutional democracy, but have no candidate of our

own.
WOOD